

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA, DAMAN AND DIU

### GOVERNMENT OF GOA, DAMAN AND DIU

Finance Department (Revenue)

#### Corrigendum

Fin(Rev)/2-35/15/75(C)

For the words "with immediate effect" appearing in lines 5 and 6 of the Government Notification No. Fin(Rev)/2-35/15/75(C), dated 25-3-1976, words "with effect from 26-3-1976" may be substituted.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

S. S. Sukthankar, Under Secretary (Finance).

Panaji, 30th March, 1976.

### Law and Judiciary Department

#### Notification

LD/Bill/14/76

The following Bill passed by the Legislative Assembly of Goa, Daman and Diu and assented to by the Administrator of Goa, Daman and Diu on 30-3-1976 is hereby published for general information.

M. S. Borkar, Under Secretary (Law).

Panajji, 30th March, 1976.

### THE GOA, DAMAN AND DIU APPROPRIATION (VOTE ON ACCOUNT) ACT, 1976

(Act No. 4 of 1976)

An Act to provide for the withdrawal of certain sums from and out of the Consolidated Fund of the Union territory of Goa, Daman and Diu for the services of a part of the Financial Year 1976-77.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty Seventh Year of the Republic of India as follows:—

1. **Short title.**—This Act may be called the Goa, Daman and Diu Appropriation (Vote on Account) Act, 1976.

2. **Withdrawal of Rupees Eight crores, eighty lakhs and forty three thousand from and out of the Consolidated Fund of the Union territory of Goa, Daman and Diu for the financial year 1976-77.**—From and out of the Consolidated Fund of the Union territory of Goa, Daman and Diu there may be withdrawn sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of Rupees eight crores eighty lakhs and forty three thousand towards defraying the several charges which will come in course of payment during the financial year, 1976-77.

3. **Appropriation.**—The sum authorised to be withdrawn from and out of the Consolidated Fund by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

#### THE SCHEDULE

(See Sections 2 and 3)

No. of Demand	Services and purposes	Voted by Assembly	Sums not exceeding		Total
			Charged on the Consolidated Fund of the Union territory of Goa, Daman and Diu		
1	2	3	4	5	
		Rs.	Rs.	Rs.	
1.	Union Territory Legislature and Elections ... ..	1,63,000	6,000		1,69,000
2.	Miscellaneous General Services ... ..	15,04,000	74,000		15,78,000
3.	Administration of Justice ... ..	3,37,000	84,000		4,21,000
4.	Land Revenue, Stamps and Registration ... ..	2,81,000	—		2,81,000
5.	State Excise, Sales Tax and Other Taxes and Duties.	4,46,000	—		4,46,000
6.	Taxes on Vehicles.	87,000	—		87,000
7.	Police and Fire Services ... ..	24,04,000	—		24,04,000
8.	Jails ... ..	1,86,000	—		1,86,000
9.	Stationery and Printing ... ..	4,35,000	—		4,35,000
10.	Other General Services ... ..	87,000	—		87,000
11.	Pension ... ..	9,00,000	—		9,00,000

1	2	3	4	5
		Rs.	Rs.	Rs.
12.	Public Works, Housing and Urban Development ...	73,80,000	11,000	73,91,000
13.	Roads and Bridges.	25,15,000	—	25,15,000
14.	Education, Art and Culture ...	1,28,45,000	—	1,28,45,000
15.	Medical, Family Planning and Public Health, Sanitation and Water Supply ...	88,62,000	—	88,62,000
16.	Information and Publicity ...	2,12,000	—	2,12,000
17.	Labour and Employment ...	3,34,000	—	3,34,000
18.	Social Security and Welfare, Relief on account of Natural Calamities and Food and Nutrition ...	1,93,82,000	—	1,93,82,000
19.	Cooperation, Community Development and Compensations and Assignments to Local Bodies and Panchayati Raj Institutions ...	12,70,000	—	12,70,000
20.	Other Economic Services and Mines and Minerals.	3,57,000	—	3,57,000
21.	Agriculture and Allied Services ...	82,90,000	—	82,90,000
22.	Irrigation and Power Projects ...	1,63,26,000	—	1,63,26,000
23.	Industries ...	10,50,000	—	10,50,000
24.	Road and Water Transport Services (including Ports) ...	10,25,000	—	10,25,000
25.	Tourism ...	8,40,000	—	8,40,000
26.	Loans and Advances by the Union Territory Governments ...	3,50,000	—	3,50,000
	<b>Total ...</b>	<b>8,78,68,000</b>	<b>1,75,000</b>	<b>8,80,43,000</b>
	<b>Revenue ...</b>	<b>4,35,13,000</b>	<b>1,75,000</b>	<b>4,36,88,000</b>
	<b>Capital (including Loans) ...</b>	<b>4,43,55,000</b>	<b>—</b>	<b>4,43,55,000</b>

AN  
ACT

to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the Union Territory of Goa, Daman and Diu for the services of a part of the Financial Year 1976-77.

(As passed by the Legislative Assembly of Goa, Daman and Diu)

Secretariat,  
Panaji,  
30th March, 1976.

K. C. D. GANGWANI  
Secretary to the Government of  
Goa, Daman and Diu  
Law and Judiciary Department

Notification

LD/Pub/Gamb/Nat/76

In exercise of the powers conferred by section 2 of the Public Gambling Act, 1867 (Act No. 3 of 1867), as extended to this Union territory of Goa, Daman and Diu and in supersession of the Government Notifications Nos. LD/33/65 dated 20-9-65, LD/33/65 dated 14-10-1965 and LD/N/49-67 dated 28-9-67 published in Government Gazettes, Series I, Nos. 27 and 28, dated 30-9-1965 and 14-10-1965 and No. 27 dated 20-9-67, the Lieutenant Governor of Goa, Daman and Diu is pleased to extend all the provisions except sections 13 and 17 which are already in force, of the Act to the towns, suburbs and railways' stations situated within the jurisdiction of Police Station mentioned in the Schedule appended hereto with jurisdiction specified under Government Notification No. HD-34-1410/1966-A dated 5-10-1966 published in the Government Gazette, Series I, No. 29, dated 20th October, 1966.

SCHEDULE

1. Panaji Town Police Station.
2. Ribandar Police Station.
3. Ponda Police Station.
4. Mapusa Police Station.
5. Bicholim Police Station.
6. Valpoi Police Station.
7. Pernem Police Station.
8. Margao Town Police Station.
9. Margao Rural Police Station.
10. Canacona Police Station.
11. Sanguem Police Station.
12. Curchorem Police Station.
13. Quepem Police Station.
14. Vasco Police Station.
15. Marmagao Harbour Police Station.
16. Collem Police Station.
17. Railway Police Station, Vasco.
18. Daman Police Station.
19. Diu Police Station.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

M. S. Borkar, Under Secretary (Law).

Panaji, 13th February, 1976.

(3rd time)

Notification

LD/764/76

The following central bill which was recently passed by the Parliament and assented to by the President of India on 22-1-1976 is hereby published for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 19th February, 1976.

## The Income-tax (Amendment) Act, 1976

AN

ACT

*further to amend the Income-tax Act, 1961.*

Be it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Income-tax (Amendment) Act, 1976.

(2) It shall be deemed to have come into force on the 9th day of September, 1975.

2. *Amendment of section 80G.*— In clause (a) of sub-section (2) of section 80G of the Income-tax Act, 1961 (hereinafter referred to as the principal Act), after sub-clause (iii), the following sub-clause shall be inserted, namely:—

“(iii-a) the Prime Minister’s National Relief Fund; or”.

3. *Repeal and saving.*— (1) The Income-tax (Amendment) Ordinance, 1975 is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

## Notification

LD/837/76

The following Central Bill which was recently passed by the Parliament and assented to by the President of India on 25-1-1976 and published in the Gazette of India Part II, Section 1 dated 25-1-1976 is hereby republished for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 24th February, 1976.

## MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 25th January, 1976/  
Magha 5, 1897 (Saka)

The following Act of Parliament received the assent of the President on the 25th January, 1976, and is hereby published for general information:—

## THE MAINTENANCE OF INTERNAL SECURITY (AMENDMENT) ACT, 1976

No. 14 of 1976

[25th January, 1976]

An Act further to amend the Maintenance of Internal Security Act 1971.

Be it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Maintenance of Internal Security (Amendment) Act, 1976.

2. *Amendment of section 3.*— In section 3 of the Maintenance of Internal Security Act, 1971 (hereinafter referred to as the principal Act), in sub-section (3), for the words “twelve days” at both the places where they occur, the words “twenty days”, and for the words “twenty-two days”, the words “twenty-five days”, shall be substituted, and shall be deemed to have been substituted with effect from the 25th day of June, 1975.

3. *Amendment of section 14.*— In section 14 of the principal Act, for sub-section (2), the following sub-section shall be substituted, and shall be deemed to have been substituted with effect from the 29th day of June, 1975, namely:—

“(2) The expiry or revocation of a detention order (hereafter in this sub-section referred to as the earlier detention order) shall not bar the making of another detention order (hereafter in this sub-section referred to as the subsequent detention order) under section 3 against the same person:

Provided that in a case where no fresh facts have arisen after the expiry or revocation of the earlier detention order made against such person, the maximum period for which such person may be detained in pursuance of the subsequent detention order shall, in no case, extend beyond the expiry of a period of twelve months from the date of detention under the earlier detention order or the expiry of the Defence and Internal Security of India Act, 1971, whichever is later.”.

4. *Amendment of section 16A.*— In section 16A of the principal Act,—

(a) after sub-section (2), the following sub-section shall be inserted, and shall be deemed to have been inserted with effect from the 29th day of June, 1975, namely:—

“(2A) If the State Government makes a declaration under sub-section (2) that the detention of any person in respect of whom a detention order is made by an officer subordinate to that Government is necessary for dealing effectively with the emergency, the State Government shall be deemed to have approved such detention order and the provisions of sub-section (3) of section 3, in so far as they relate to the approval of the State Government, and of sub-section (4) of that section, shall not apply to such detention order.”;

(b) for sub-section (5), the following sub-section shall be substituted, and shall be deemed to have been substituted with effect from the 29th day of June, 1975, namely:—

“(5) In making any review, consideration or reconsideration under sub-section (2), sub-sec-

tion (3), or sub-section (4), the appropriate Government or officer may act on the basis of the information and materials in its or his possession without communicating or disclosing any such information or materials to the person concerned or affording him any opportunity of making any representation against the making under sub-section (2), or the making or confirming under sub-section (3), or the non-revocation under sub-section (4), of the declaration in respect of him.”;

(c) in sub-section (7), in clause (i),—

(i) in the opening portion, for the words “the following sub-section”, the words “the following” shall be substituted, and shall be deemed to have been substituted with effect from the 29th day of June, 1975;

(ii) in sub-section (3), as substituted by that clause, for the words “forward to the Central Government a report in respect of the order”, the words “report the fact to the Central Government” shall be substituted, and shall be deemed to have been substituted with effect from the 29th day of June, 1975;

(iii) after sub-section (3) aforesaid, the following shall be inserted, and shall be deemed to have been inserted with effect from the 17th day of October, 1975, namely:—

“(4) At any time after the receipt of a report under sub-section (3), the Central Government may require the State Government to furnish to the Central Government the grounds on which the order has been made and such other particulars as, in the opinion of the State Government, have a bearing on the necessity for the order.”;

(d) after sub-section (7), the following sub-sections shall be inserted, and shall be deemed to have been inserted with effect from the 29th day of June, 1975, namely:—

“(8) In the case of any person in respect of whom a declaration has been made by a State Government under sub-section (2) or a declaration has been made by a State Government or an officer subordinate to it or confirmed by the State Government under sub-section (3), or a declaration has not been revoked by a State Government under sub-section (4), the Central Government may, whenever it considers it necessary so to do, require the State Government to furnish to the Central Government the information and materials on the basis of which such declaration has been made or confirmed, or not revoked as the case may be, and such other information and materials as the Central Government may deem necessary.

(9) Notwithstanding anything contained in any other law or any rule having the force of law,—

(a) the grounds on which an order of detention is made or purported to be made under section 3 against any person in respect of whom a declaration is made under sub-section (2) or sub-section (3) and any information or materials on which such grounds or a declara-

tion under sub-section (2) or a declaration or confirmation under sub-section (3) or the non-revocation under sub-section (4) of a declaration are based, shall be treated as confidential and shall be deemed to refer to matters of State and to be against the public interest to disclose and save as otherwise provided in this Act, no one shall communicate or disclose any such ground, information or material or any document containing such ground, information or material;

(b) no person against whom an order of detention is made or purported to be made under section 3 shall be entitled to the communication or disclosure of any such ground, information or material as is referred to in clause (a) or the production to him of any document containing such ground, information or material.”.

5. *Amendment of section 18.*—In section 18 of the principal Act, for the words “detained under this Act”, the words and figure “in respect of whom an order is made or purported to be made under section 3” shall be substituted, and shall be deemed to have been substituted with effect from the 25th day of June, 1975.

6. *Validation.*—Any act or thing done or purporting to have been done, before the 16th day of November, 1975, under the principal Act in respect of any person against whom an order of detention was made under that Act on or after the 25th day of June, 1975 or in respect of any such order of detention shall, for all purposes, be deemed to be as valid and effective as if the amendments made to the principal Act by sections 2 and 3, and clause (a) of section 4, of this Act had been in force at all material times.

7. *Repeal and saving.*—(1) The Maintenance of Internal Security (Third Amendment) Ordinance, 1975, and the Maintenance of Internal Security (Fourth Amendment) Ordinance, 1975, are hereby repealed. 16 of 1975  
22 of 1975

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinances shall be deemed to have been done or taken under the principal Act as amended by this Act.

K. K. SUNDARAM,  
Secy. to the Govt. of India.

#### Notification

LD/591/76

The following notification received from the Government of India, Ministry of Labour New Delhi, is hereby republished for general information of the public.

M. S. B Borkar, Under Secretary (Law).

Panaji, 24th February, 1976.

GOVERNMENT OF INDIA  
(BHARAT SARKAR)  
MINISTRY OF LABOUR  
(SHRAM MANTRALAYA)

*Dated New Delhi, the 20th January, 1976*

Notification

G. S. R. — In exercise of the powers conferred by Section 6A read with sub-section (1) of Section 7 of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), the Central Government hereby makes the following Scheme further to amend the Employees' Family Pension Scheme, 1971 namely: —

1. (1) This Scheme may be called the Employees' Family Pension (Amendment) Scheme, 1976.

(2) It shall be deemed to have come into force on the 1st day of March, 1971.

2. In the Employees' Family Pension Scheme, 1971, in the Schedule, in Table II, the following entries shall be inserted at the end namely: —

Age at entry	Factor by which the benefits payable are to be multiplied.
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"58 ..... 0.08".

Sd/-

LALFAK ZUALA  
Deputy Secretary

[F. No. S. 70012(6)/74-FPG.]

Explanatory Memorandum to the Notification

According to para 34 of the Employees' Family Pension Scheme, 1971 the Family Pension and other benefits payable to members entering family pension fund after the age of 25 years in accordance with paragraphs 28, 31 and 32 of the Scheme shall be multiplied by a factor depending on the age of entry given in Table II of the Schedule to that Scheme. Last factor provided in Table II by which the benefits payable under the Scheme are to be multiplied correspond to the entry age of 57 years. As the age nearest birthday is taken as the age at entry for the purposes of the Scheme, the last entry covers entrants upto exact age 57½ years only. In the circumstances, factor corresponding to age 58, is to be added covering members entering between exact ages 57½ and 58.

2. In order to achieve uniformity and to avoid any discrimination between the members who could avail the benefits under the amended provisions and those who could not avail the same in the absence of the factor, the amendment is being given retrospective effect. Nobody's interest will be adversely effected by this.

Sd/-

LALFAK ZUALA  
Deputy Secretary

[F. No. S. 70012/6/74-FPG.]

Notification

LD/1490/76

The following notification received from the Government of India, Ministry of Law, Justice and Company Affairs New Delhi, is hereby republished for general information of the public.

*M. S. Borkar, Under Secretary (Law).*

Panaji, 1st April, 1976.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS  
(Legislative Department)

*New Delhi, the 12th February,  
1976/Magha 23, 1897 (Saka)*

The following Act of Parliament received the assent of the President on the 11th February, 1976, and is hereby published for general information: —

The Payment of Wages (Amendment) Act, 1976

*An Act further to amend the Payment of Wages Act, 1936.*

Be it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows: —

1. *Short title and commencement.* — (1) This Act may be called the Payment of Wages (Amendment) Act, 1976.

(2) It shall be deemed to have come into force on the 12th day of November, 1975.

2. *Amendment of section 1.* — In the Payment of Wages Act, 1936 (hereinafter 4 of 1936. referred to as the principal Act), in sub-section (6) of section 1, for the words "four hundred rupees", the words "one thousand rupees" shall be substituted.

3. *Amendment of section 6.* — In section 6 of the principal Act, the following proviso shall be inserted at the end, namely: —

"Provided that the employer may, after obtaining the written authorisation of the employed person, pay him the wages either by cheque or by crediting the wages in his bank account."

4. *Amendment of section 7.* — In sub-section (2) of section 7 of the principal Act, after clause (o), the following clause shall be inserted, namely: —

"(p) deductions, made with the written authorisation of the employed person, for contribution to the Prime Minister's National Relief Fund or to such other Fund as the Central Government may, by notification in the Official Gazette, specify."

5. *Repeal and saving.* — (1) The Payment of Wages (Amendment) Ordinance, 1975, is hereby repealed. 21 of 1975.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

K. K. SUNDARAM  
Secretary to the Govt. of India

## Notification

LD/1573/76

The following Order which was recently promulgated by the President of India on 2-3-76 is hereby republished for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 3rd April, 1976.

## MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

## Notification

New Delhi, the 2nd March 1976

G.S.R. 107(E).—The following Order made by the President is published for general information:—

C. O. 103

THE CONSTITUTION (APPLICATION TO  
JAMMU AND KASHMIR) AMENDMENT  
ORDER, 1976

In exercise of the powers conferred by clause (1) of article 370 of the Constitution, the President, with the concurrence of the Government of the State of Jammu and Kashmir, is pleased to make the following Order:—

1. (1) This Order may be called the Constitution (Application to Jammu and Kashmir) Amendment Order, 1976.

(2) It shall come into force at once.

2. In paragraph 2 of the Constitution (Application to Jammu and Kashmir) Order, 1954, in the opening portion, for the words, figures and brackets "and section 2 of the Constitution (Thirty-first Amendment) Act, 1973", the words, figures and brackets "section 2 of the Constitution (Thirty-first Amendment) Act, 1973 and section 2 of the Constitution (Thirty-third Amendment) Act, 1974" shall be substituted.

FAKHRUDDIN ALI AHMED.

President.

[No. F.19(1)/76-L.I.]

K. K. SUNDARAM, Secy.

Legislative Assembly of Goa, Daman and Diu

Legislature Department

LA/B/7/766/76

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 2nd April, 1976 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Buildings (Lease, Rent and Eviction)  
Control (Amendment) Bill, 1976

(Bill No. 11 of 1976)

A

BILL

to amend the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 1976.

(2) It shall come into force at once.

2. *Amendment of section 22.*—In the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968, 2 of 1969 in section 22,—

(1) in sub-section (2),—

(i) for clause (a), the following clause shall be substituted, namely:—

"(a) that the tenant is in arrears in payment of rent due by him in respect of the building for a total period of three months and has failed to pay or tender such arrears within fifteen days of the receipt of or of the refusal of a registered notice served on him by the landlord for such arrears; or";

(ii) the proviso shall be omitted;

(2) after sub-section (2), the following shall be added, namely:—

"(3) No order for the eviction of a tenant shall be made on the ground specified in clause (a) of sub-section (2), if the tenant, within thirty days of the service of the summons of proceedings on him, pays or tenders to the landlord or deposits with the controller the arrears of rent due by him up to the date of such payment, tender or deposit together with the cost of application:

Provided that no tenant shall be entitled to the benefit under this sub-section, if, having obtained such benefit once in respect of any building he again makes a default in the payment of rent of that building for a total period of three months.

(4) In any proceeding falling under clause (a) of sub-section (2), if the controller on an application made to it is satisfied that the tenant's default to pay, tender or deposit rent was not without reasonable cause, he may, notwithstanding anything contained in sub-section (3) or in section 32, after giving the parties an opportunity of being heard, give the tenant a reasonable time, to pay or tender the rent due by him to the landlord upto the date of such payment or tender and on such payment or tender the application shall be rejected."

Statement of Objects and Reasons

The Goa, Daman and Diu (Lease, Rent and Eviction) Control Act, 1968 is a beneficial legisla-

tion intended to control rents and evictions and at the same time to enable the landlord to evict his tenant on reasonable grounds. Clause (a) of section 22(2) of the said Act provides non-payment of rent for three months as one of the grounds for eviction.

The general provision of the Transfer of Property Act relating to forfeiture for non-payment of rent provides certain reliefs for the lessee. Under Section 114 of the T.P. Act the lessee is relieved against forfeiture if he pays or tenders the rent in arrear or gives security for making such payment together with the costs of the suit and Section 114A provides for service of notice prior to the institution of the suit for ejectment thereby giving the lessee an opportunity to remedy the breach. Though the Rent Control Act is a beneficial legislation, the absence of provisions for relief as provided in Section 114 and 114A of the T.P. Act makes section 22(2) (a) of the said Act relating to eviction on the ground of non-payment of rent harsher than the T.P. Act. An attempt has therefore been made to include similar provisions in the Rent Control Act.

#### Financial Memorandum

The Bill does not entail any additional expenditure.

Panaji  
18th March, 1976.

RAMAKANT D. KHALAP  
M. L. A.

Assembly Hall,  
Panaji,  
25th March, 1976.

M. M. NAIK  
Secretary to the Legislative Assembly of Goa, Daman and Diu.

#### (Annexure to Bill No. 11 of 1976)

The Goa, Daman and Diu Buildings (Lease, Rent and Eviction)  
Control (Amendment) Bill, 1976

The Goa, Daman and Diu Buildings (Lease, Rent and Eviction)  
Control Act, 1968

(Act No. 2 of 1969)

22. *Grounds of eviction.* — (1) A landlord who seeks to evict his tenant shall apply to the Controller for a direction in that behalf.

(2) If the Controller, after giving the tenant a reasonable opportunity of showing cause against the application, is satisfied —

(a) that the tenant is in arrears in payment of rent due by him in respect of the building for a total period of three months; or

(b) that the tenant has without the written consent of the landlord —

(i) transferred his right under the lease or sub-let the entire building or any portion thereof, or

(ii) used the building for a purpose other than that for which it was leased; or

(c) that the tenant has committed such acts of damage as are likely to impair materially the value or utility of the building; or

(d) that the tenant has been guilty of such acts and conducts which are a nuisance to the occupiers of other portions of the same building or of buildings in the neighbourhood;

*Explanation.* — For the purposes of this clause, «nuisance» shall be deemed to include any act which constitutes an offence under the Suppression of Immoral Traffic in Women and Girls Act, 1956; Central Act 104 of 1956

(e) that the tenant of a dwelling house has, whether before or after the commencement of this Act, built, acquired vacant possession of, or been allotted a residence; or

(f) that the tenant has ceased to occupy the building for a continuous period of four months without reasonable cause; or

(g) that the tenant has denied the title of the landlord or claimed a right of permanent tenancy and that such denial or claim was not bonafide,

the Controller shall make an order directing the tenant to put the landlord in possession of the building; and if the Controller is not so satisfied he shall make an order rejecting the application:

Provided that in any case falling under clause (a), if the Controller is satisfied that the tenant's default to pay or tender rent was not without reasonable cause, he may, notwithstanding anything contained in section 32, give the tenant a reasonable time, not exceeding thirty days, to pay or tender the rent due by him to the landlord up to the date of such payment or tender and on such payment or tender the application shall be rejected.

32. *Payment or deposit of rent during pendency of proceedings for eviction.* — (1) No tenant against whom a proceeding for eviction has been instituted by a landlord under this Act shall be entitled to contest the proceeding before the Controller or any appellate or revisional authority or to prefer any appeal or revision under this Act, unless he has paid to the landlord or deposits with the Controller or the appellate or revisional authority, as the case may be, all arrears of rent due in respect of the building up to the date of payment or deposit and continues to pay or deposit any rent which may subsequently become due in respect of the building, until the termination of the proceedings before the Controller or the appellate or revisional authority.

(2) The deposit of rent under sub-section (1) shall be made within such time and in such manner as may be prescribed.

(3) Where there is any dispute as to the amount of rent to be paid or deposited under sub-section (1), the Controller or the appellate or revisional authority, as the case may be, shall, on application made either by the tenant or by the landlord, and after making such inquiry as he deems necessary, determine summarily the rent to be so paid or deposited.

(4) If any tenant fails to pay or to deposit the rent as aforesaid, the Controller or the appellate or revisional authority, as the case may be, shall, unless the tenant shows sufficient cause to the contrary, stop all further proceedings and make an order directing the tenant to put the landlord in possession of the building.

(5) The amount deposited under sub-section (1), may, subject to such conditions as may be prescribed, be withdrawn by the landlord on application made by him in that behalf.

Assembly Hall,  
Panaji,  
25th March, 1976.

M. M. NAIK  
Secretary to the Legislative Assembly of Goa, Daman and Diu.



LA/B/7/767/76

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 2nd April, 1976 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Land Revenue Code  
(Amendment) Bill, 1976

(Bill No. 12 of 1976)

A  
BILL

to amend the Goa, Daman and Diu Land Revenue Code, 1968.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Goa, Daman and Diu Land Revenue Code, (Amendment) Act, 1976.

(2) It shall come into force at once.

2. *Amendment of section 14.*—In section 14 of the Goa, Daman and Diu Land Revenue Code, 1968 (hereinafter referred to as the "Code"), after the words "Central Government", the words "and it shall be lawful for the Collector to dispose of them in such manner as may be prescribed by Government in this behalf" shall be inserted.

3. *Amendment of section 28.*—In section 28 of the Code, the words "land which is the" shall be omitted.

4. *Amendment of section 199.*—In section 199 of the code, in sub-section (2), after clause (iii), the following clause shall be inserted, namely:

"(iii-a) under section 14, rules for the disposal of property vested in the Central Government".

Statement of Objects and Reasons

Section 14 of the Goa, Daman and Diu Land Revenue Code, 1968 prescribes the property which vests in the Central Government. Section 21 provides for grant of land and Section 28 for disposal of land belonging to or vesting in the Central Government. The definition of the word "Land" used in these Sections is very limited and does not appear to cover all the properties vested in the Central Government under Section 14. The Land Revenue Code therefore leaves a lacuna regarding disposal of property vested in Central Government otherwise than land. The Bill seeks to remedy this defect.

Financial Memorandum

The Bill does not entail any additional expenditure.

Memorandum regarding Delegated Legislation

The Bill seeks to empower Government to frame rules to prescribe the manner in which the Collector

shall dispose of the property vested in the Central Government. These are matters of detail and the delegation of legislative power with respect to them is of a normal character.

Panaji,  
18th March, 1976.

RAMAKANT D. KHALAP  
M. L. A.

Panaji,  
Assembly Hall,  
25th March, 1976.

M. M. NAIK  
Secretary to the Legislative Assembly of Goa, Daman and Diu.

(Annexure to Bill No. 12 of 1976)

The Goa, Daman and Diu Land Revenue Code (Amendment) Bill, 1976

The Goa, Daman and Diu Land Revenue Code, 1968

(Act No. 9 of 1969)

14. *Title of Government to lands, etc.*—(1) All lands, public roads, lanes and paths and bridges, ditches, dikes and fences on or beside the same, the bed of the sea and of harbours and creeks below the high water Mark, and of rivers, streams, nallas, lakes and tanks, and all canals and water courses, and all standing and flowing water and all rights in or over the same or appertaining thereto, which are not the property of any person, are and are hereby declared to be the property of the Central Government subject to right of way, and all other rights, public and individual, legally subsisting.

*Explanation.*—In this section, «high water-mark» means the highest point reached by ordinary spring tides at any season of the year.

(2) Unless it is otherwise expressly provided in any law for the time being in force or in the terms of a grant made by the Government, the right to mines, mineral and mineral products shall vest in the Central Government and it shall have all the powers necessary for the proper enjoyment of such rights.

(3) Where any property or any right in or over any property is claimed by or on behalf of the Central Government or by any person as against the Central Government and the claim is disputed, such dispute shall, after due notice has been given and after holding a formal inquiry, be decided by the Collector or a Survey Officer.

(4) Any person aggrieved by an order made under sub-section (3) or in appeal or revision therefrom may institute a civil suit to contest the order within a period of one year from the date of such order, and the decision of the civil court shall be binding on the parties.

(5) Any suit instituted in any civil court after the expiration of one year from the date of any order passed under sub-section (3) or, if appeal or revision application has been made against such order within the period of limitation, then from the date of any order passed by the appellate or revisional authority, shall be dismissed (though limitation has not been set up as a defence) if the suit is brought to set aside such order or if the relief claimed is inconsistent with such order, provided that the plaintiff has had due notice of such order.

(6) Any person shall be deemed to have had due notice of an inquiry or order under this section if notice thereof has been given in accordance with rules made in this behalf by the Government.

28. *Saving of powers of Government.*—Nothing contained in any provision of this Code shall derogate from the right of the Government to dispose of any land which is the property of the Central Government, on such terms and conditions as it deems fit.

199. *Power to make rules.*—(1) The Government may, by notification in the Official Gazette, make rules for carrying into effect the provisions of this Code.



(2) In particular, and without prejudice to the generality of the foregoing provision, such rules may provide for all or any of the following matters:—

(i) under section 4, appointment of other village officers, and servants;

(ii) under section 8, the registers, accounts and other records to be kept by the village officers;

(iii) under section 9, the powers and duties to be performed by the officers specified in clauses (b), (d), (e), (f) and (g) of section 4;

Panaji,  
Assembly Hall,  
25th March, 1976.

M. M. NAIK  
Secretary to the Legislative Assembly of Goa, Daman and Diu.

LA/B/7/768/76

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 2nd April, 1976 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Usury Laws (Amendment) Bill, 1976

(Bill No. 13 of 1976)

#### A BILL

*further to amend the law regulating the rate of interest chargeable on loans in the Union territory of Goa, Daman and Diu and for matters connected therewith.*

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-seventh Year of the Republic of India and follows:—

1. *Short title, extent and commencement:*— (1) This Act may be called the Goa, Daman and Diu Usury Laws (Amendment) Act, 1976.

(2) It extends to the whole of the Union territory of Goa, Daman and Diu.

(3) It shall come into force at once.

2. *Act to over-ride other laws:*— Nothing in Diploma Legislative No. 1063, dated 17th August, 1939, or in any other law enacted and made applicable to Goa, Daman and Diu prior to 19th December, 1961 regulating the rate of interest chargeable on loans shall apply to any loan granted, or any contract to lend money, to grant accommodation, to supply goods on services on credit whether by way of sale, hire-purchase or otherwise entered into by any person, if the loan granted or contract entered into satisfies the following conditions, namely:—

(1) the rate of interest chargeable does not exceed the rate of interest chargeable on similar loans and contracts by the Nationalized Bank or Scheduled Bank;

(2) the penalty for default of repayment of the loan granted or for non-compliance of the terms of the contract entered into does not exceed four per cent of the amount outstanding;

(3) the accumulated interest and penalty, at any time does not exceed the principal amount.

3. *Repeal and saving.*— On and from the commencement of this Act, the Goa, Daman and Diu Usury Laws (Amendment) Act, 1965 shall stand repealed and the provisions of section 6 and 24 of the General Clauses Act, 1897, as applied to the Union territory of Goa, Daman and Diu by the Goa, Daman and Diu General Clauses Act, 1965 shall apply to such repeal.

12 of 1965

#### Statement of Objects and Reasons

In a progressive economy like ours, there is increasing demand for capital. The Goa, Daman and Diu Usury Laws (Amendment) Act, 1965 exempts certain institutions from the Diploma Legislative No. 1063 in order to enable the needy to secure loan from these institutions. But the said institutions and Banks are not always of much help to the needy in time. It is therefore felt necessary to extend the exemption from the operation of the Diploma Legislative No. 1063 to any loan granted or contract entered into if the rate of interest chargeable on such loan or contract does not exceed the rate of interest chargeable by the Nationalized Bank or Scheduled Bank. At the same time it is desirable that timely action should be taken for recovery of interest and also the penalty for default should not be exorbitant. The Bill proposes to achieve the above purposes.

#### Financial Memorandum

The Bill does not involve any financial implication.

Panaji,  
19th March, 1976.

EDUARDO FALEIRO  
M. L. A.

Assembly Hall,  
25th March, 1976.

M. M. NAIK  
Secretary to the Legislative Assembly of Goa, Daman and Diu.

LA/B/7/769/76

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 2nd April, 1976 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu (Protection of Rights of Tenants of Salt Pans) Bill, 1976

(Bill No. 15 of 1976)

#### A BILL

*to provide for the protection from eviction of tenants of salt-pans and for matters connected therewith.*

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-seventh Year of the Republic of India as follows:—

1. *Short title, extent, and commencement.*— (1) This Act may be called the Goa, Daman and Diu

(Protection of Rights of Tenants of Salt-Pans) Act, 1976.

(2) It extends to the whole of the Union territory of Goa, Daman and Diu.

(3) It shall come into force at once.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “appointed day” means the date on which this Act comes into force;

(b) “landlord” means a person from whom a tenant holds a salt-pan on lease on the appointed day;

(c) “Mamlatdar” has the meaning assigned to it in clause (c) of section 2 of the Goa, Daman and Diu Mamlatdar’s Court Act, 1966; 9 of 1966

(d) “tenant” means a person who, on the appointed day, holds a salt-pan on lease;

(e) “salt-pan” means a land which is used for extracting salt;

(f) “rent” means any consideration in money or kind or both, paid or payable by the tenant on account of his right to use the land for extracting salt.

3. *Grounds of eviction.*—(1) Notwithstanding anything to the contrary contained in any other law for the time being in force or in any contract or a decree or order of any Court, a tenant shall not be liable to eviction save as provided in sub-section (2).

(2) A landlord may apply in writing to the Mamlatdar for the eviction of his tenant on the ground of causing damage to the salt-pan on lease or for non-payment of rent within sixty days from the date on which the rent is due under the terms of the tenancy;

Provided that no order of eviction on the ground of non-payment of rent shall be made if the tenant deposits with the Mamlatdar at any stage of the proceedings for eviction, the rent due, or if the rent is payable in kind, its market value on the date of deposit together with cost of the application and other cost, if any, to be determined by the Mamlatdar.

(3) The Mamlatdar shall, on receipt of an application under sub-section (2) make such inquiries as he may consider necessary in respect of such application and make an order disposing of the same.

(4) No order of disposal shall be made by the Mamlatdar under sub-section (3) unless the party against whom the order is proposed to be passed has been given an opportunity of being heard in the matter.

4. *Mamlatdar to decide whether a person is a tenant.*—(1) If in any proceedings before a Civil Court, a question arises as to whether a person is or is not a tenant within the meaning of this Act, such Court shall refer the said question to the Mamlatdar for his decision.

(2) Every decision or order made by the Mamlatdar under sub-section (1) or under sub-section (3) of Section 3, shall be subject to the revision of the Collector under sub-section (2) of section 22 of the Goa, Daman and Diu Mamlatdar’s Court Act, 1966, as if such a decision or order had been made in a suit or proceeding under that Act, subject to the condition that revision application under this Act shall be filed within thirty days from the date of the decision or order as aforesaid.

9 of 1966

(3) Every decision or order made by the Mamlatdar under this Act shall, subject to any orders that may be passed by the Collector under sub-section (2), be final.

(4) Every order made by the Mamlatdar under this Act, shall be executed as if it had been made under the Goa, Daman and Diu Mamlatdar’s Court Act, 1966. 9 of 1966

5. *Bar of jurisdiction.*—No Civil Court shall have jurisdiction to entertain, decide or deal with any question which is to be decided by the Mamlatdar under this Act.

6. *Limitation.*—In computing the period of limitation prescribed under any law for the institution of suits or proceedings, prohibited under section 3, the period during which such suits or proceedings remain prohibited under this Act shall be excluded.

#### Statement of Objects and Reasons

At present, there exist Legislations under which security of tenure is given to the tenants of the agricultural lands, cashewnut arecanut gardens. But no measures have so far been brought to protect the interests of tenants of salt-pans, whose conditions are more or less similar to the tenants of agricultural lands, cashewnut and arecanut gardens. In view of the 20-point Economic Programme announced by the Prime Minister to protect the interests of the down-trodden and weaker sections of the community, it is felt expedient to bring a temporary measure to give security of tenure to the tenants of the salt-pans until a comprehensive legislation is enacted on the subject. The Bill proposes to achieve the above purpose.

#### Financial Memorandum

No financial implications are involved in this Bill.

Panaji,  
19th March, 1976.

EDUARDO FALEIRO  
M. L. A.

Assembly Hall,  
Panaji,  
26th March, 1976.

M. M. NAIK  
Secretary to the Legislative  
Assembly of Goa, Daman and Diu